

SECTION 2: DEFINITIONS

ABANDONED means the failure, in the opinion of the Chief Building Official, to proceed expeditiously with construction work or to undertake construction work during any continuous 1 year period.

ABUTTING means two or more lots sharing a common boundary of at least one point; or a lot sharing a common boundary with a public road.

ACCESSORY USE means a use customarily incidental, subordinate and exclusively devoted to a principal use and located on the same lot as the principal use.

ACCESSORY BUILDING OR STRUCTURE means a detached building or structure used to house an accessory use and included a private garage and second dwelling unit.

ADDITION OF EXTENSION TO AN EXISTING BUILDING OR STRUCTURE means any expansion or increase in size of a building or structure.

ADULT ENTERTAINMENT PARLOUR means any premises or part thereof in or on which is provided in pursuance of a trade, calling, business or occupation, body-rub business, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations and as further defined in the *Municipal Act*.

AGGREGATE means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sand stone, marble, granite, rock or other prescribed material under the *Aggregate Resources Act*. For the purposes of this definition, earth does not include topsoil and peat.

AGRI-TOURISM/VALUE ADDED USE means the use of land, buildings or structures for uses accessory to the principal agricultural use of the lot, which are conducted for gain or profit to support, promote and sustain the viability of the agricultural use. These uses include but are not limited to: agricultural education and research facilities, farm markets and the retail sale of farm produce, pick your own facilities, farm mazes, special event facilities related to farming, and value-added assembly, fabrication, processing, packing or storage operations.

AGRICULTURAL PRODUCE STAND means a building or structure or portion thereof where only locally grown produce is retailed to the general public with a maximum footprint of 25 m².

AGRICULTURAL USE means the use of land, buildings or structures for the growing of crops including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including, but not limited to, livestock facilities, manure storages, value-retaining facilities and includes a farm dwelling and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

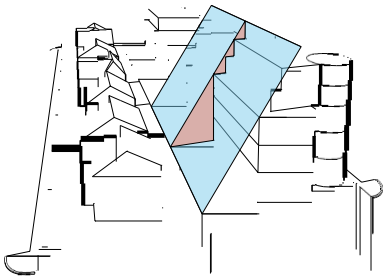
AGRICULTURAL-RELATED USE means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

AIRPORT means an area of land used for the landing, storing and taking off of aircraft and their passengers and/or freight and may include, as accessory uses, ticket offices, parcel shipping facilities, and offices that support the airport.

ALTER when used in reference to a building or structure or portion thereof, means any alteration in a bearing wall or partition column, beam, girder or other supporting member of a building or structure, or any increase in the area or cubic contents of a building or structure. When used in reference to a lot, alter means to decrease the width, depth or area of a lot or to decrease the width, depth or area of any required yard, setback, landscaped open space area or parking area or to change the location of a boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The words "altered" and "alteration" shall have a corresponding meaning.

AMENITY AREA means open space areas, balconies or recreation facilities, or other similar facilities in a residential or mixed use development which provide recreational space for the residents of a development.

ANGULAR PLANE means a flat surface extending from a lot line and projecting over a lot, at a specified angle measured up from the horizontal, through which no part of a structure on the lot may penetrate.



ASSEMBLY HALL means a building or part of a building in which facilities are provided for meeting of a civic, educational, political, religious, social or recreational nature and includes banquet facilities.

ATTACHED means a building adjoined by a roof or which shares a common wall with an adjacent building(s).

AUDITORIUM means a building or structure where facilities are provided for athletic, civic, education, recreational, political, religious or social events including, but not so as to limit the generality of the foregoing, an arena, a community centre, a bowling alley, a recreation centre, an assembly hall, a gymnasium, a stadium, a cinema, a theatre or a playhouse.

BAKERY means an establishment where food products for which flour, grains, meal or sugar are the principal ingredients, are produced, mixed, compounded, baked or otherwise prepared and; where the prepared food products are offered for retail sale on the same premises.

BALCONY means a platform that projects from the wall of a building and is accessible from inside such building by means of a door or window.

BANK means an institution where money is deposited, kept, lent and exchanged and shall include Trust Companies, Credit Unions, and other like financial institutions.

BASEMENT means that portion of a building between two floor levels which is partly underground, but which has more than one-half of its height below grade, from finished floor to finished ceiling.

BED AND BREAKFAST ESTABLISHMENT means a part of a dwelling unit in which not more than 3 bedrooms are used or maintained for the accommodation of the traveling public, in which the owner and operator of the dwelling unit supplies lodgings with or without meals and which is owner occupied but does not include a hotel or motel.

BERM means a mound of earth which may include landscaping features, formed to provide visual and/or acoustical separation.

BUILDING means any structure, used for the shelter of persons, animals, goods or equipment and having a roof which is supported by columns or walls and as defined by the *Ontario Building Code Act*.

BUILDING SUPPLY AND SERVICE means a building, structure or lands where the principal function is the selling of a variety of building supplies including lumber, siding, plumbing, electrical, air conditioning and heating equipment and similar commodities.

CAMPGROUND means a place where people are temporarily accommodated in tents, whether or not washing and toilet facilities are provided in permanent buildings, and shall include a trailer camp, and where the operation is limited to between April 1st and November 15th.

CAR WASH means a building or structure containing facilities specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.

CARPORT means a building or structure, at least forty per cent (40%) of the area of the perimeter walls of which are open and unobstructed by any wall, door, post or pier,

- a) Which is used for the temporary parking or storage of private passenger motor vehicles or commercial vehicles of less than one (1) tonne maximum capacity; and
- b) Wherein neither servicing nor repairing is carried on for profit.

CEMETERY means land that is set apart or used as a place for the interment of the dead and shall not include a crematorium but may include a mausoleum.

CHIEF BUILDING OFFICIAL means the person appointed by Council as the Chief Building Official charged with the duty of enforcing and administering the provisions of the *Building Code Act*, as amended, or any successor thereto, together with any regulations thereunder.

CLINIC means a building or part thereof used by health care professionals, their staff and their patients for the purpose of consultation, diagnosis or treatment.

COMMERCIAL SELF STORAGE means a premises used for the temporary storage of household items and secured storage areas or lockers which are generally accessible by means of individual loading doors for each storage unit or locker.

COMMERCIAL USE means the use of land, buildings or structures for the purpose of buying and/or selling of commodities and/or the supply of services for remuneration, but does not include activities associated with industrial uses.

COMMUNITY CENTRE means a building or structure operated by a public authority that is used for community activities and other activities such as recreations uses, trade show, weddings and banquets.

COMPLY means in keeping with the quantitative requirements of this By-law.

CONCRETE BATCHING OR ASPHALT PLANT means the use of land, buildings or structures for the purpose of the manufacturing of concrete or asphalt, or products or objects made therefrom.

CONFORM means a use which is permitted by this By-law in the zone category in which the use is located.

CONSERVATION USE means the use of land and/or water for the purpose of planned management of natural resources.

CONTRACTORS ESTABLISHMENT means the use of land, building or structure, or parts thereof, by any general contractor or builder where equipment and materials are stored, or where a contractor and/or tradesman performs shop and assembly work, and/or offers a trade or service, including, but not limited to landscaping services, general construction service, cabinetry services, plumbing services, welding services, and trucking services or other similar services but does not include any other use as defined by this by-law.

CONSTRUCTION TRADES RETAIL ESTABLISHMENT means the wholesale or retail sale of construction trade products and includes uses such as building supply yards, equipment and materials storage and tradesmen's shops and accessory office uses.

CONVENIENCE RETAIL STORE means a small-scale retail store serving the daily or occasional needs of the residents in the immediate area with a variety of goods such as, but not limited to, groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines, and newspapers.

CREMATORIUM means a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

CULTURAL USE means the use of land, building or structure for the purpose of educational entertainment, art or history including but not limited to museums, libraries, art galleries/studios and community centres, and may include ancillary office, restaurant, retail and service commercial uses.

CUSTOM WORKSHOP means a building or structure or portion thereof used by a trade, craft or guild for manufacturing small quantities of made to measure or made to order clothes or articles and includes upholstering, furniture restoration and refinishing, custom order manufacturing or articles such as draperies and blinds, but not include any manufacturing uses which generate nuisance impacts such as noise, dust or vibration.

DAYCARE CENTRE means premises for the temporary care and custody of more than five people that is operated for reward or compensation for a continuous period not exceeding twenty-four hours and has a license as required to operate. This use shall include a daycare for children, seniors or people with special needs.

DAYLIGHTING TRIANGLE means an area free of buildings or structures or other visual obstructions, and which are to be determined by measuring, from the point of intersection of street lines on a corner lot, and along each such street line and joining such points with a straight line, and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the "daylighting triangle". Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

DECK means a ground oriented structure over 0.6m above any part of the finished grade of the adjoining exterior wall used as an outdoor living area or amenity space which may or may not be attached to a building and does not have any walls or a roof.

DENSITY means the number of dwelling units per hectare on a lot.

DRAINAGE DITCH AND IRRIGATION CHANNEL means those channels or means of conveying the passage of water that the Town, Niagara Peninsula Conservation Authority and Ministry of Natural Resources agree, have physical characteristics that are man-made or have been altered to the point that they no longer perform the functions of a natural watercourse.

DRIVE-THRU SERVICE FACILITY means use which includes a facility where business may be conducted, including the sale of goods, food or other articles directly with individuals who remain in their vehicles.

DRIVEWAY means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.

DWELLING means a building used for human habitation as a residence, with or without attached garage or carport, but shall not include a motor home, vehicle, trailer, hotel, motel, bed and breakfast, or dwelling unit accessory to a non-residential use.

DWELLING, APARTMENT means a building containing five or more dwelling units, which have a common entrance from the street level and where the occupants have the right in common to use halls, elevators, stairs, yards and accessory buildings.

DWELLING, BACK-TO-BACK TOWNHOUSE means a townhouse dwelling that contains dwelling units divided vertically from each other by common side walls and common rear walls.

DWELLING, BOARDING HOUSE means a single dwelling that is occupied by the owner of such dwelling as their principle residence together with not less than two and not more than four accessory guest rooms.

DWELLING, BLOCK TOWNHOUSE means a group of no more than eight dwelling units located on the same lot, where the lot has direct access onto and frontage along a public street, but the individual units may not have legal frontage on a public street.

DWELLING, CONVERTED means a dwelling originally designed as a single detached dwelling that has been altered to accommodate additional dwelling units, but not more than 4 dwelling units.

DWELLING, DUPLEX means a building containing two dwelling units, on one lot but does not include a "Semi-Detached Dwelling".

DWELLING, FARM means a dwelling that provides full time accommodation for the owner or operator of an agricultural use.

DWELLING, FOURPLEX means a building containing four dwelling units.

DWELLING, LIVE-WORK means a dwelling unit that included working space accessible from the living area, regularly used by one or more of the residents of the dwelling unit, but does not include a home-based business.

DWELLING, MOBILE HOME means a dwelling unit that is designed to be made mobile and to be transported, after it has been constructed or manufactured, to a mobile home site to provide a permanent residence and which is suitable for occupancy as a dwelling unit at the time it is placed on the mobile home site except for minor and incidental unpacking and assembly operations, placement on a mobile home sites and connection to utilities.

DWELLING, PRINCIPAL means a dwelling unit owned or rented by a person, alone or jointly with another person, which is their principal place of residency.

DWELLING, SECOND UNIT means a dwelling unit that is secondary to a single detached dwelling, semi-detached dwelling unit or townhouse dwelling unit, and is maintained as a self-contained unit with food preparation and sanitary facilities, and in accordance with the provisions of this By-law. A Second Dwelling unit can be contained within the principal dwelling unit and/or as a detached accessory structure.

DWELLING, SEMI-DETACHED means a building divided vertically into two dwelling units by a common wall extending from the base of the foundation to the roof. The attachment along the common wall may include a dwelling unit wall and/or garage wall. Each unit may be located on a separate lot.

DWELLING, SINGLE DETACHED means a building containing one dwelling unit, but does not include a "Mobile Home Dwelling".

DWELLING, STACKED TOWNHOUSE means a building containing three or more dwelling units, with each dwelling unit separated from the other both horizontally and vertically that may have a private independent entrance from a yard or a shared entrance from a common corridor, vestibule or landing.

DWELLING, STREET TOWNHOUSE means a group of no more than 8 townhouse dwelling units which have direct access and frontage along a public street. Each dwelling unit may be located on a separate lot.

DWELLING, TRIPLEX means a building that is divided horizontally into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.

DWELLING UNIT means a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping unit:

- a) In which a food preparation area and sanitary facilities are provided for the exclusive use of such housekeeping unit; and
- b) Which has a private entrance from outside the building or from a common hallway or stairway inside the building, but does not include a tent, cabin, trailer, motor home, mobile home, or in a hotel, motel, or bed and breakfast establishment.

EASEMENT means an instrument that is registered on title which provides for the use of land subject to the easement for sewer, water, drainage or utility purposes and which may include a right-of-way.

ERECT means, with reference to a building or structure, to build, alter, construct, reconstruct, relocate or enlarge and without limiting the generality of the foregoing also includes:

- a) Any physical operation such as excavating, filling, grading or drainage works preparatory to building, construction, reconstruction; or
- b) Altering any existing building or structure by an addition, deletion, enlargement or other structural change; or
- c) The moving of a building or structure from one location to another; or
- d) Any work for which a building permit is required.

“Erected” and **“Erection”** shall have a corresponding meaning.

EXISTING means legally existing as of the date of passing of this By-law.

FARM HELP HOUSE, PERMANENT OR SEASONAL means a building located on the same lot and accessory to an agricultural use and which is provided and maintained by the owners of the lot for the accommodation of persons employed full time in agriculture by the owner of the lot.

FARM PRODUCE OUTLET means a building or portion thereof wherein the retail sale of the following products are offered for sale to the general public:

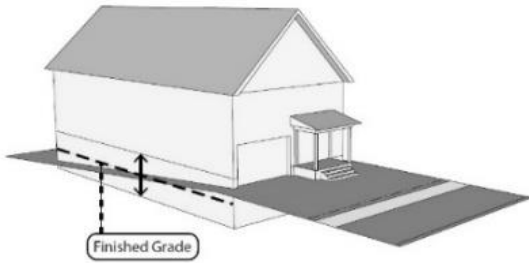
- a) Locally grown produce (a minimum of 70 percent of the retail floor area);
- b) Imported Produce;
- c) Bakery items and processed fruit prepared on the premises, grocery, deli and dairy products and locally made crafts (a maximum of 50 square metres retail floor area); and
- d) Locally grown greenhouse and nursery products.

FARM SUPPLY AND SERVICE ESTABLISHMENT means a building or structure or portion thereof, such as a farm co-op, used for the retail sale and rental for farm use, of minor equipment and implements and parts thereof and tools, hardware and clothing and includes a farm implement sales and service establishment.

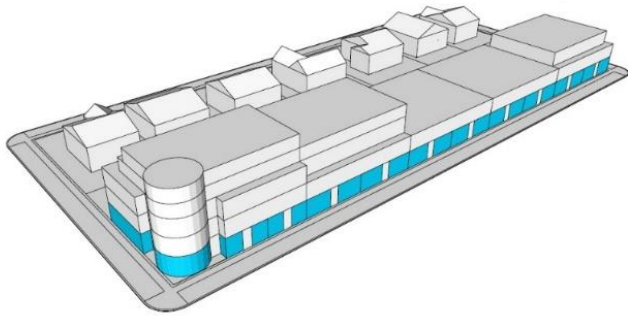
FARM WINERY means an on-farm diversified agricultural use that utilizes fruit grown on the farm to produce and market wine in accordance with Provincial law and regulation. A Farm Winery may also include a distillery, cidery or microbrewery.

FENCE includes a hedge, free standing wall, structure or partition constructed of any material or combination of materials, enclosing, partly enclosing or dividing lot boundaries or being used for decorative purposes.

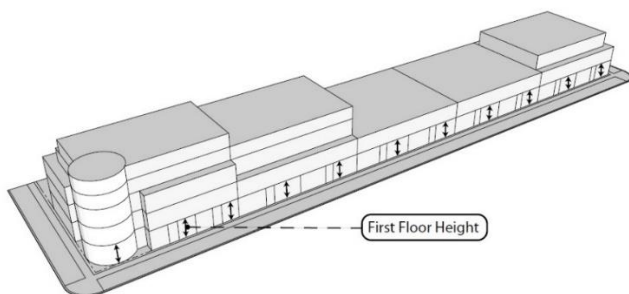
FINISHED GRADE means when used in reference to a building or structure, the average elevation of the finished surface of the ground adjoining the base of the longest exterior wall of such building or, where there are two or more such walls, the exterior wall having the lowest average elevation, exclusive of any artificial embankment at the base of such structure.



FIRST FLOOR GLAZING means the amount of glazing (transparent windows and doors) expressed as a percentage of the surface area of a building's first floor façade facing publicly accessible streets, walkways or open space.



FIRST FLOOR HEIGHT means the vertical height from the finished first floor elevation of the interior of the building to the ceiling of the first floor.



FLOOR AREA means the area of the floor surface of a storey or part thereof.

FLOOR AREA, DWELLING UNIT means the aggregate of the floor areas of all habitable rooms in a dwelling unit, excluding the thickness of any exterior walls.

FLOOR AREA, GROSS means the aggregate of the floor areas of all storeys of a building or structure other than a private garage, an attic or a basement or cellar not used for commercial purposes.

FLOOR AREA, GROUND means the floor area of the first storey of a building.

FLOOR AREA, GROSS LEASABLE means the total of all floor areas of a building(s) or structure(s) which is used for any permitted non-residential use measured from the interior surface of the exterior walls, including basements, but excluding the following:

- a) Any area not capable of being used for any permitted non-residential use which area may include, without restricting the generality of the foregoing, public washrooms, public corridors, utility rooms, utility and service corridors, loading areas, and parking areas provided in a building.
- b) Areas to which the public cannot nor does not have access to.
- c) Areas used for no other purpose than the storage of goods, fixtures and equipment.

FLOOR AREA, NET means the aggregate of the floor areas of a building above or below established grade, but excluding car parking areas within the building, stairways, elevator shafts, service or mechanical rooms and penthouses, washrooms, garbage or recycling rooms, staff locker and lunch rooms, loading areas any space with a floor to ceiling height of less than 1.8 metres and any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public.

FOOD VEHICLE means an outdoor vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food intended for immediate consumption is provided for sale or sold, and includes a motorized, self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled but can be towed (i.e. food trailer) and a vehicle moved by human exertion (i.e. food cart).

FORESTRY USE means the general raising and harvesting of wood and, without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees and other forest products.

FUEL STORAGE TANK means a tank used or intended to be used for the bulk storage of combustible or inflammable liquids or gases including, but not so as to limit the generality of the foregoing, petroleum or petroleum products.

FUNERAL HOME means a premises used for providing funeral supplies and services to the public and includes facilities intended for the preparation of the human body for interment.

GARAGE, PRIVATE means an accessory building or portion of a dwelling designed for the parking of private vehicles, and is not used for repairing / servicing vehicles for gain or profit, and includes a partially enclosed carport.

GARAGE DOOR WIDTH means the width of the garage door opening(s), which is used for vehicular access. Where there is more than one opening, the garage door width shall be the distance between the two outer extremities of the garage door opening(s), excluding any intervening columns, doors, windows or wall sections which might separate two or more garage door opening(s).

GARDEN SUITE means a small, independent temporary building, physically separate from the principle dwelling unit with which it is associated, which may be used as a dwelling unit, or for activities accessory to those permitted in the principle dwelling unit.

GOLF COURSE means an area operated for the purpose of playing golf, and includes such accessory uses as a restaurant, a retail store that sells golf equipment and accessories, a dwelling unit for an owner/caretaker and other buildings or structures devoted to the maintenance and operation of the golf course and may include, as accessory uses, a golf driving range and a miniature golf facility.

GOLF DRIVING RANGE means an indoor or outdoor public or private facility dedicated to the driving of golf balls from fixed golf tees.

GREENHOUSE means the use of a building or structure for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables and other types of nursery stock. Such use may include the wholesale or retail sale of greenhouse products customarily, incidental, subordinate and exclusively devoted to the principle use, located on the same lot therein. A retail use accessory to a greenhouse shall have a maximum retail floor area of 200 square metres.

GUEST ROOM means a habitable room or suite of habitable rooms wherein accommodation, with or without meals, is provided for gain or profit to one or more persons, and which contains no facilities for cooking.

GYMNASIUM/FITNESS CENTRE means a building designed and intended to accommodate various forms of indoor sports and recreation and may include an arena, tennis, squash, handball and badminton courts and roller rinks.

HABITABLE ROOM means any room of a residential building or an institutional building, used or capable of being used by one or more persons for living, eating or sleeping, or as a kitchen serving a dwelling unit; but does not include a bathroom, water-closet compartment, laundry, serving or storage pantry, corridor or other space not for use frequently or during extended periods.

HEIGHT means the vertical distance measured from the finished grade level to the highest point of the roof surface or parapet, whichever is greater. In the case of a deck, height means the height of the highest floor level. In calculating the height of a building, any construction used as an ornament or for the mechanical operation of a building such as a mechanical penthouse, firehouse tower, chimney, tower, cupola or steeple, it is not to be included.

HOBBY FARM means a small-scale agricultural use located in the rear yard of a lot and comprised of up to 5 domestic livestock and up to 20 fowl for recreational purposes or for personal consumption by the occupants of a dwelling unit on the same lot.

HOME INDUSTRY means a small scale operation of an industrial nature conducted entirely within a building or part of an accessory building to a single detached dwelling such as a welding shop, machine shop or large animal vet clinic, but does not include the repairing, storage or recycling of motor vehicles, recreational vehicles or heavy equipment.

HOME FOR SPECIAL CARE means a building that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of persons exclusive of staff, living under supervision and who, by reason of their emotional, mental, social or physical condition or legal status require a group living arrangement for their well-being, but does not include a place maintained and operated primarily for the care of or occupation by inmates or persons placed on probation or released on parole or for any other correctional purpose.

HOME OCCUPATION means a business or professional activity conducted as a secondary use to the residential use within any dwelling unit which is the primary residence of the person or persons conducting the business or professional activity.

HOOP HOUSE means a temporary, un-heated building used for the winter protection of plants, which is:

- a) Placed on the surface of the ground and has no permanent foundation; and
- b) The sides and/or roof of which is in place for less than six months of the year.

For the purposes of this By-law, a hoop house shall not be included in the calculation of maximum coverage.

HOTEL means any establishment so defined in *The Hotel Registration of Guests Act*, as amended from time to time, and includes a motel or motor hotel.

INDUSTRIAL USE means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory and ancillary uses.

INSTITUTIONAL USE mean the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes and without limiting the generality of the foregoing, may include churches, places of worship, public or private schools, public or private hospitals, community centres, government buildings, children's residences, adult daycare or respite care and homes for special care.

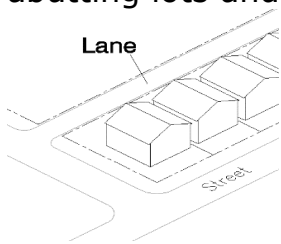
KENNEL means the use of lands, buildings or structures where small domestic animals or household pets are: boarded for hire or gain; kept for the purpose of breeding; and/or kept for the purpose of training.

LANDMARK SITE means a site which is conspicuous and which has the potential to be easily seen and/or recognized from a distance, acting as an identifier or wayfinding tool for a community such as being located at the terminus of a street, or open space or located on a corner. Development on landmark sites is generally expected to be iconic and raise the profile of the location.

LANDSCAPED AREA OR LANDSCAPED STRIP means a permeable area not built upon and not used for any purpose other than as a landscaped area which may include grass, shrubs, flowers, trees and similar types of vegetation and decorative paths, decorative walkways, fences and similar appurtenances, but does not include parking areas, driveways, service walkways or ramps. The words "landscaping" and "landscaped" shall have the same meaning.

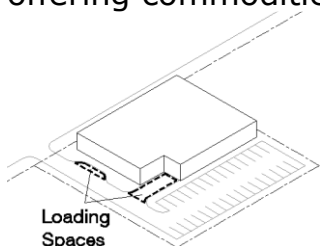
LANDSCAPED OPEN SPACE means the percentage of a lot used as a landscaped area or strip.

LANE means a public or private right-of-way which provides a means of access to abutting lots and which is not intended for general traffic circulation.



LIVESTOCK means farm animals kept for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing includes; dairy and beef cattle, horses, swine, sheep, laying hens, chicken, turkey broilers, turkeys, goats, geese, mink and rabbits but excluding animals such as pets raised or housed for recreational or hobby purposes.

LOADING SPACE means an area of land, exclusive of aisles or driveways and accessible to a street or lane which is provided and maintained upon the same lot or lots upon which the principal use is located and which is used for the temporary parking of one or more commercial vehicles while merchandise or materials are being loaded or unloaded from such vehicle, and such parking is not to be used for the purpose of offering commodities for sale or display.



LONG-TERM BICYCLE PARKING SPACE means an indoor space to park and secure a bicycle in an enclosed, secured area with controlled access where a bicycle is intended to be parked for long periods of time.

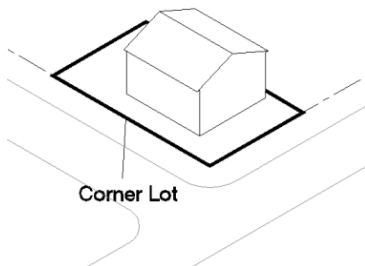
LONG TERM CARE HOME means a long-term care home as defined in the *Long-Term Care Homes Act, 2007*, as amended.

LOT means a parcel or contiguous parcels of land designated and registered at the Registry Office as one parcel of land in one ownership.

LOT AREA means the total horizontal area within the lot lines of a lot, excluding any area covered by water or marsh or between the rim of the banks of a river or watercourse. In the case of a corner lot having streetlines rounding at the corner with a radius of 6 metres or less, the lot area of such lot is to be calculated as if the lot lines were projected to their point of intersection.

LOT, CORNER means

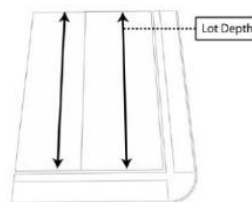
- a) A lot situated at the intersection of and abutting on two or more streets and which streets have an angle of intersection of not more than 135 degrees regardless of whether or not such streets abut a 0.3 metre reserve;
- b) A lot abutting a curve of a street, the adjacent sides of which curve contain an angle facing the lot of not more than 135 degrees, and such angle shall be formed by their tangents drawn from the points where the side lot lines meet the streetline but does not include a lot abutting the bulb of a cul-de-sac or a turning circle, regardless of whether or not such streets have a 0.3 metre reserve.



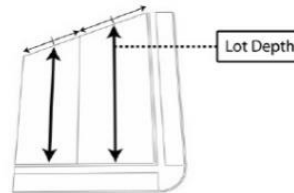
LOT COVERAGE means the percentage of the lot area covered by all buildings and structures, but not including an in-ground pool.

LOT DEPTH means:

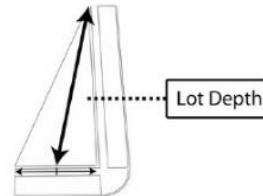
- a) The shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;



b) The horizontal distance between the mid-point of the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or



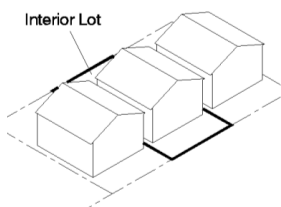
c) The horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot where there is no rear lot line.



LOT FRONTAGE means the horizontal distance between the side lot lines of a lot measured along the front lot line.

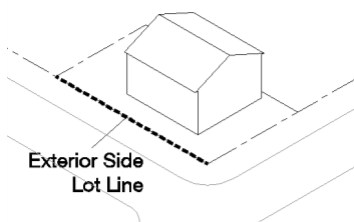
- a) Where the front lot line is not a straight line, or where the side lot lines are not parallel, the lot frontage is determined from the lot centre line to a point 6.0m back from the front lot line measured horizontally at 90 degrees from the lot centre line between the side lot lines.
- b) In the case of a corner lot with a daylighting triangle or a rounded corner, the lot frontage is determined from the lot centre line to back from the front lot line measured horizontally between the side lot lines.

LOT, INTERIOR means a lot other than a corner lot or a through lot.



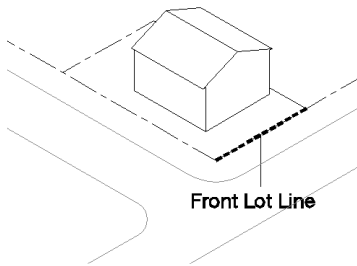
LOT LINE means any boundary of a lot.

LOT LINE, EXTERIOR means a side lot line that is also a streetline. "Flankage Lot Line" shall have the same meaning.

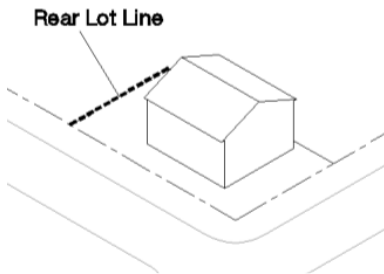


LOT LINE, FRONT means

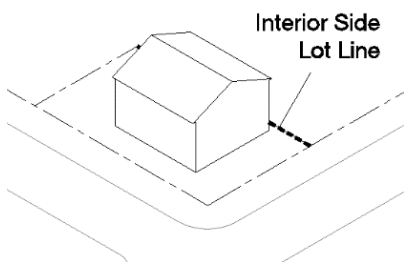
- a) The lot line that divides the lot from the street;
- b) In the case of a corner lot, the shorter streetline shall be deemed to be the front lot line and the longer streetline shall be deemed to be an exterior side lot line;
- c) In the case of a corner lot with two streetlines of equal length, the lot line that abuts the wider street, or abuts a Regional Road or a Provincial Highway shall be deemed to be the front lot line; and in the case of both streets being under the same jurisdiction, or the same width, the front lot line shall be deemed to be the lot line with the principle entrance; and
- d) In the case of a through lot, the longer boundary dividing the lot from the street shall be deemed to be the front lot line and the opposite shorter boundary shall be deemed to be the rear lot line. In case each of such lot lines should be equal length the Town may designate either street line as the front lot line or the front lot line shall be deemed to be the lot line with the principle entrance.



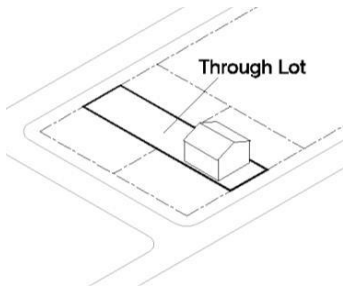
LOT LINE, REAR means the lot line or lines opposite a front lot line.



LOT LINE, SIDE means a lot line other than a front lot line or a rear lot line.



LOT, THROUGH means a lot other than an interior lot or a corner lot which has frontage on two streets.



MANUFACTURING, ASSEMBLY, PROCESSING AND FABRICATION means activities of an industrial nature undertaken entirely within an enclosed buildings designed to assemble, create, repair, restore, finish or package goods, articles or things, but shall not include any handling or recycling of hazardous waste material.

MAUSOLEUM means a building or structure serving as a final repository for the dead.

MICRO-BREWERY means a building used for the making of beer on a small scale, and may include tasting and restaurant facilities and the retail sale of related items.

MINERAL AGGREGATE RESOURCE OPERATION means:

- a) Lands under license or permit, other than for a wayside pit or quarry, issued in accordance with the *Aggregate Resources Act*, or successors thereto; and
- b) Associated facilities used in extraction transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete or the production of secondary related products.

Mineral aggregate resources are gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

MODULAR HOME means a prefabricated building or structure which is designed to provide a permanent dwelling unit for one or more persons and which is placed on a finished permanent foundation but does not include a mobile home dwelling, travel trailer, motor home or other trailer.

MOTEL means a separate building or two (2) or more connected or detached buildings designed and used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and/or other refreshments, and without limiting the generality of the foregoing, shall include a motor court, auto court and tourist homes, within the meaning of the *Tourism Act*, as amended from time to time.

MOTOR HOME means a self-propelled vehicle capable of being used for temporary sleeping and/or eating accommodation for one or more persons.

MUNICIPALITY means the Town of Pelham

MUNICIPAL LAW ENFORCEMENT OFFICER means a person, appointed by Council, charged with the duty of enforcing this By-law.

MUNICIPAL SERVICES means all publicly owned physical works and facilities necessary to sustain and service a lot and shall include streets, municipal water systems, sanitary sewer services, storm sewers and stormwater ponds.

NON-COMPLYING means a use, building or structure existing at the date of the passing of this By-law is a permitted use under this By-law but which does not comply with a zone provision or requirement of the zone within which it is located.

NON-CONFORMING means the use or activity in respect of any land, building or structure which is not within the list of permitted uses set out in this By-law for the zone in which such land, building or structure is located.

NON-RESIDENTIAL when used in reference to a use, building or structure, means designed, intended or used for a purpose other than as a dwelling.

NOTWITHSTANDING when used in this By-law means in spite of, or instead of.

OBNOXIOUS USES when used in reference to a use, building or structure, means a use which from its nature, or from the manner of carrying on the same, creates or is liable to create, by reason of gas, fumes or dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, junk, waste, or other material, a condition which becomes or may become hazardous or injurious in regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of land, building or structure.

OFFICE means the use of a building or portion thereof designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration or where not conducted on an industrial site, the administration of an industry, but shall not include a retail use, any industrial use, clinic, financial use or place of entertainment.

ON-FARM DIVERSIFIED USE means uses that are secondary to the principle agricultural use of an active farm operation and are limited in area. On-farm diversified uses include, but are not limited to, home-based businesses, and agri-tourism/value added uses. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.

OPERATING MACHINERY shall mean any apparatus (including air conditioners, generators, electric motor and compressors) used for mechanical power having one or more moving parts which are driven by other than muscular power and meeting the following criteria:

- a) Incidental to the main use or accessory use of the property and connected to the main building by way of brackets, electrical power lines, air ducts or similar connectors, but excluding portable type air conditioning units, or generators.

OUTSIDE STORAGE means the placing or locating in the open air and/or in partially closed buildings or structures of any goods, materials, parts, merchandise or equipment of any kind but does not include operative vehicles licensed or capable of being licensed to be operated on a highway at any time, or motorized construction vehicles or agricultural or parks vehicles or commercial vehicles, whether or not operative or capable of being licensed.

OWNER means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office.

PARK means an open space area, playground or playing field, which may include recreational facilities, including buildings for such facilities or support services.

PARK, PUBLIC means a park owned or controlled by a public agency.

PARK, PRIVATE means a park other than a public park.

PARKING AISLE means an area of land which abuts and provides direct vehicular access to one or more parking spaces within a parking area.

PARKING AREA means an area of land which is provided and maintained for the parking of vehicles and which area comprises all parking spaces of at least the minimum number required according to the provisions of this By-law and all aisles and related ingress and egress lanes and similar areas used for the purpose of gaining access to or from the said parking spaces and is provided and maintained in accordance with the provisions of this By-law.

PARKING GARAGE means a building or structure used for the parking of vehicles including commercial vehicles of less than 1 tonne maximum capacity and may include aisles, parking spaces and related ingress and egress lanes, but shall not include a public street.

PARKING SPACE means an area of land which:

- a) Is provided for the temporary parking or storage of one vehicle or bicycle for other than the purpose of sale or display; and
- b) Is of a size which is adequate for the temporary parking or storage of one vehicle or bicycle in accordance with the provisions of this By-law; and

- c) Has adequate access to permit ingress and egress of a vehicle or bicycle from a street by means of a driveway, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary storage of one or more vehicles or bicycles; and
- d) May be located outside or within a private garage, carport, building or other covered area as identified in the particular zone.

PATIO, COMMERCIAL means an outside area that is accessory to a restaurant and where food and/or beverages are prepared and served in conjunction with the restaurant use.

PATIO, RESIDENTIAL means an outside area made of impermeable material, that is no higher than 0.6 metres from the ground surface and which is accessory to a dwelling.

PERSON means an individual, individuals, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and their heirs, executors or other legal representative of a person to whom the same can apply according to law.

PLACE OF ENTERTAINMENT means a motion picture or other theatre, arena, auditorium, public hall, bowling alley, ice or roller skating rink, dance hall or music hall; but does not include any place of entertainment or amusement otherwise defined or classified herein.

PLACE OF WORSHIP means a building owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a hall, a auditorium, a convent or monastery, an office of a clergyman, a cemetery, a Sunday school, a parish hall or a parsonage as uses accessory thereto.

PORCH means roofed structure abutting the exterior wall of a structure, which is used to define and provide entry to a dwelling. For the purpose of this definition, a porch may be comprised of a knee-wall or partial wall to support a roof but shall remain unenclosed.

PRE-FABRICATED SHIPPING CONTAINER means a metal container designed and utilized to ship freight, but does not include a truck body, truck trailer or transport trailer.

PREMISES means an area of a building occupied or used by a business or enterprise. In a multiple tenancy building occupied by more than one (1) business, each business area shall be considered a separate premises. Each individual unit proposed and/or registered in a draft Plan of Condominium shall also be considered an individual premises.

PRIVATE CLUB means an athletic, recreational or social club which is not operated for gain or profit, and includes the premises of a fraternal organization.

PRIVATE HOME DAYCARE means the accessory use of a dwelling unit for the temporary care and custody of not more than five children who are under ten years of age who do not live in the dwelling unit and which is operated for reward or compensation for a continuous period not exceeding twenty-four hours.

PUBLIC AUTHORITY means any Federal, Provincial, Regional or Municipal Corporation and includes any commissions, board, authority, agency, ministry or department established by or for any of them.

PUBLIC USE means designed, adapted or used for civic political, educational, social or recreational purposes by various levels of government and their commissions, boards, agencies, ministries or departments.

PUBLIC UTILITY means any utility which supplies water, sanitary sewers, storm sewers, electricity, gas, steam, telecommunications, cable television, transportation, drainage, and refuse collection and disposal services to the general public.

RECONSTRUCTION means the act of returning a failing building or structure to a safe and secure condition, but shall not constitute the replacement of the building or structure.

RECREATIONAL USE means the use of lands, buildings or structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf course, golf driving ranges and miniature golf, picnic areas, swimming pools, day camps, community centres and other similar uses, together with accessory buildings and structures, but does not include a track for the racing of animals, vehicles, motorcycles or motorized snow vehicles or other vehicles.

REDEVELOPMENT means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereupon.

REGION OR REGIONAL means or refers to the Corporation of the Regional Municipality of Niagara.

REGIONAL ROAD means any street or road under the jurisdiction of the Region.

REGULATORY FLOODPLAIN means lands which have the potential to be impacted by a One Hundred Year Flood and are subject to the regulations and authority of the Niagara Peninsula Conservation Authority.

REPAIR SHOP means a building or part of a building used for the repair of household articles and shall include the repair or servicing of communication parts and accessories, electronic devices, television sets, radios, home security systems, satellite systems, computers, furniture, appliance repair shops and other similar uses, but shall not include manufacturing, industrial assembly or motor vehicle repair shops.

REPLACEMENT means the act of demolishing and removing a structure for the purpose of building a new structure in the same location having the same footprint and floor area.

REQUIRED means as required by the provisions contained herein.

RESERVE means a strip of land abutting a public street and owned by the authority having jurisdiction over the public road.

RESIDENTIAL means the use of land, buildings or structures or portion thereof, for human habitation.

RESTAURANT means a building or part thereof where food is prepared and offered or kept for retail sale to the public for immediate consumption either on or off the premises.

RESTAURANT, DRIVE-THRU RESTAURANT means a restaurant where patrons order and purchase their food from their vehicles and then drive away to consume the food elsewhere, and may be secondary to an establishment that offers sit-down service on the premises as well.

RETAIL USE means a building or part thereof in which goods, wares, merchandise, substances, articles or things are stored, offered or kept for retail sale to the public.

RETAIL FRONTAGE means the horizontal distance of a commercial/retail unit measured along the building's frontage.

RETIREMENT HOME means a premises that provides accommodation primarily to retired persons or couples where each private bedroom or living unit has a separate bathroom and separate entrance from a common hall and where common facilities for the preparation and consumption of food are provided and where common lounges, recreation rooms and medical care facilities may also be provided, but where full culinary facilities are not provided within a unit. A Retirement Home shall not include an "Apartment Dwelling".

ROAD means a public highway or public road under the jurisdiction of either the Town, the Region or the Province of Ontario, and includes any highway as defined by the *Municipal Act*, as amended from time to time and does not include a lane or private right-of-way, unopened or closed road allowances.

ROAD ALLOWANCE means land held under public ownership for the purpose of providing a road.

ROAD, IMPROVED means any road that is:

- a) Owned and maintained all year round by the Town hereafter;

- b) Has been constructed in such a manner so as to permit its use by normal vehicular traffic; and
- c) Not a lane or private right-of-way

ROAD, PRIVATE means a private road or right-of-way that accesses multiple properties that is not owned or maintained by the Town or any other Public Authority.

SALVAGE YARD means a place where derelict and/or non-functional vehicles are wrecked and/or disassembled for resale and where second hand goods or scrap metal are collected, sorted and stored for commercial purposes.

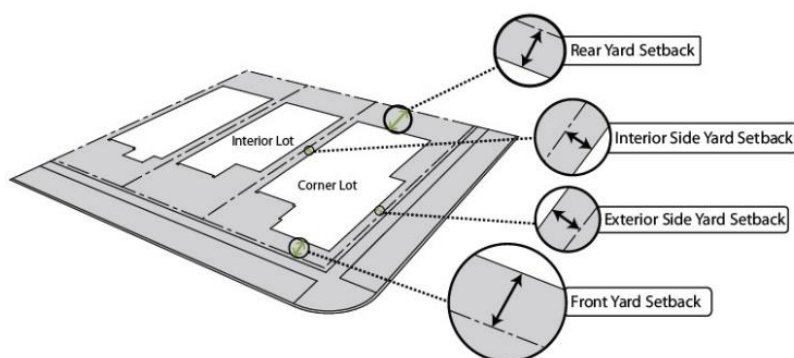
SCHOOL means a school under the jurisdiction of a Board as defined in the *Education Act*, as amended from time to time, a college, a university or any other educational establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.

SCHOOL, PUBLIC means a school under the jurisdiction of a public agency.

SCHOOL, PRIVATE means a school, other than a public school, under the jurisdiction of a private board or trustee or governors, a religious organization, a charitable institution or operated by one or more persons for gain or profit.

SERVICE SHOP means a building or part thereof wherein a personal service is performed, including, but not so as to limit the generality of the foregoing, a barber shop, a beauty salon, a shoe repair shop, a dry cleaning outlet, a laundromat, a tailor or dressmaking shop, a photographic studio and a taxi dispatch office, but does not include a massage or body-rub parlour or any adult entertainment parlour as defined in the *Municipal Act*, as amended from time to time.

SETBACK means the shortest distance from a building/structure to a lot line.



SEWER, SANITARY means a system of underground conduits; either publicly or privately operated which carries sewage to a place for treatment.

SEWER, STORM means a system of open ditches and/or underground conduits; either publicly or privately operated which carries storm water and surface drainage to an outlet.

SHOPPING CENTRE means one or more buildings or part thereof containing five or more separate permitted commercial uses, which is maintained as a single unit and located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to the *Condominium Act*, as amended from time to time.

SHORT-TERM ACCOMODATION the commercial use of an entire dwelling unit, that may be rented for a period up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation. Short term rental accommodation shall not include a hotel/motel, bed and breakfast establishment, inn, boarding house dwelling or similar commercial or institutional use.

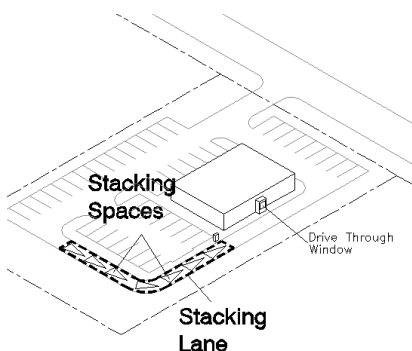
SHORT TERM BICYCLE PARKING SPACE means a space to park and secure a bicycle for a few minutes or a few hours.

SIGN means a display board, screen, cloth or structure having characters, letters or illustrations applied thereto or display thereon in any manner which directs attention to an object, activity, person, institution, organization or business and which includes:

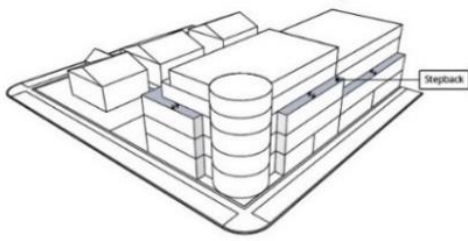
- a) A sign within a building that is visible from a street; and
- b) The posting or painting of an advertisement or notice on any building or structure.

STACKING LANE means a continuous on-site queuing lane than includes tandem parking spaces for motorized vehicles which is separated from other vehicular traffic and pedestrian circulation, by barriers, markings or signs.

STACKING SPACE means a portion of a stacking lane which provides standing room for vehicles in a queue for a drive-thru service facility.



STEP BACK means the horizontal distance a building façade above-grade is set back from the building façade immediately below it.



STOREY means that portion of a building other than an attic, one-half storey, basement or cellar, included between the surface of any floor and the surface of the floor, roof deck or deck ridge next above it.

STOREY, ONE-HALF means that portion of a building situated wholly or in part within the roof, and in which there is sufficient space to provide a height between finished floor and finished ceiling of between 1.5 metres and 2.5 metres over a floor area which is not less than one-third nor more than two-thirds of the floor area of the storey next below.

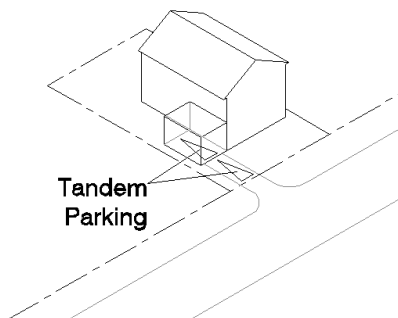
STREETLINE means the limit of a street or road allowance and is the dividing line between and lot and a street or road.

STRUCTURE means anything constructed or erected having a fixed point on or in the ground or attached to building or structure having a fixed point on or in the ground.

STUDIO means any premises or part thereof used as a working place for the creation or instruction of painting, sculpture, pottery, glass, wrought iron, dance, music, acting, yoga or other similar uses.

SWIMMING POOL means a privately owned body of water located at, below or above ground level in which the depth of water at any point can exceed 0.6 metres and is used, or capable of being used for swimming, diving or bathing, but shall not include a pond or other such body of water, created and used or intended to be used, for agricultural or industrial purposes.

TANDEM PARKING means two parking spaces, located one behind the other.



TOP OF BANK means the upper edge of the slope of a stream valley or shoreline where the slope intersects the horizontal plain or flood plain identified and regulated by the Niagara Peninsula Conservation Authority pursuant to the *Conservation Authorities Act*.

TOWN means the Corporation of the Town of Pelham.

TRAILER means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and is capable of being used for the transport of goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.

TRAILER CAMP means a lot used for the parking of tourist trailers.

TRAILER, TOURIST means a trailer capable of being used for the temporary living, sleeping or eating accommodation of one or more persons, notwithstanding that the running gear of such trailer is or may be removed, or that such trailer is fixed on a finished and permanent foundation or has become in any other manner so adapted and affixed to the land upon which it is situated and it is, or has become, an immobile and permanent structure.

URBAN SQUARE means a moderately scaled park found within a denser urban area which may include both hard and soft landscaping and which provides for multifunctional and flexible space for social gatherings, festivals and civic functions.

USE means the purpose for which any portion of a lot, building or structure is designed, arranged, intended, used, occupied or maintained.

VEHICLE means an automobile or vehicle used for carrying passengers or for transporting goods and may include a farm implement, mobile home, motor home, tourist trailer, snowmobile or marine craft.

VEHICLE, COMMERCIAL means a vehicle which is designed for transport of goods and which is used for business, employment or commercial purposes.

VEHICLE, RECREATIONAL means a boat, all-terrain vehicle, a snowmobile or any other vehicle having not more than two wheels including, but not so as to limit the generality of the foregoing, a motorcycle, bicycle, or any other device powered solely by means of human effort.

VEHICLE BODY SHOP means a building or portion thereof where the repairing, straightening, filling, grinding, painting or replacing of body, interior and frame components of vehicles takes place.

VEHICLE FUEL STATION (GAS BAR) means the use of land, buildings or structures where automotive fuels and accessories are sold at retail and may include a convenience store as an accessory use.

VEHICLE SALES OR RENTAL ESTABLISHMENT means the use of land, buildings or structures, or portion thereof, where vehicles are displayed, sold, leased or rented. Repair or maintenance of such vehicles, including a vehicle body shop, may be included as an accessory use.

VEHICLE SERVICE AND REPAIR ESTABLISHMENT means a building or portion thereof, where mechanical repairs and servicing of vehicles occurs, and may include the incidental retail sale to the general public of automotive parts and accessories and cars not exceeding six at any one time but shall not include a vehicle body shop.

VETERINARIAN'S CLINIC means a building or part thereof with or without related structures wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.

WAREHOUSE means a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, food-stuff, substances, articles or things, and includes the premises of a warehouseman, but does not include a fuel storage tank except as an accessory use.

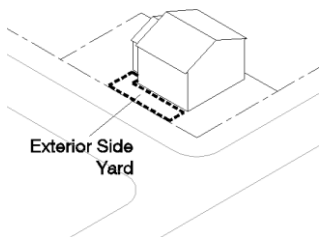
WASTE DISPOSAL SITE means a provincially licensed facility where garbage, refuse or domestic, institutional, commercial or industrial waste is dumped, destroyed or stored in suitable containers.

WATERCOURSE means an identifiable depression in the ground in which a flow of water regularly or continuously occurs.

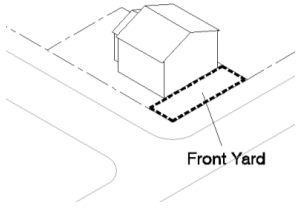
WHOLESALE USE means a building or portion thereof in which goods, wares, merchandise or article are stored or kept for distribution purposes to retail merchants, but shall not include a "Retail Use".

YARD means an open, uncovered space on a lot appurtenant to a main building or structure and unoccupied by any building or structure except as specifically permitted in this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

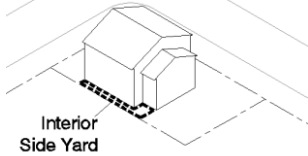
YARD, EXTERIOR SIDE means a side yard immediately adjoining a public street.



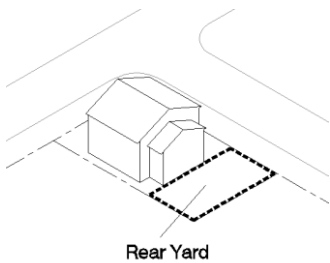
YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot.



YARD, INERIOR SIDE means a side yard, other than an exterior side yard.



YARD, REAR means the yard extending across the full width of the lot between the rear lot line of the lot and the nearest wall of any principal building or structure on the lot.



YARD, REQUIRED means the minimum yard required by the provisions of this By-law.

ZONE means an area designated on a Zoning Map Schedule and established by this By-law for a specific use.

ZONING ADMINISTRATOR means the Director of Community Planning and Development or designate, or other persons, appointed by Council, charged with the duty of administering this By-law.